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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,030	02/09/2004	Gideon Roberts	1578.606	6934
44208	7590	10/03/2005	EXAMINER	
DOCKET CLERK PO BOX 12608 DALLAS, TX 75225			PEREZ, JULIO R	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/775,030

Applicant(s)

ROBERTS ET AL.

Examiner

Julio R. Perez

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/24/05</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 3 and 4 recite the limitation " the threshold " in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by applicant's submission of prior art Wilberg et al. (hereafter Wilberg) [6,628,946].

Regarding claims 1,6, Wilberg discloses a method and an apparatus for implementing system information acquisition in a mobile telecommunications system, the system comprising a network of a plurality of cells and at least one user equipment

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device, the method and apparatus comprising, in the user equipment device: when the user equipment has system information stored in the user equipment device (col. 3, lines 35-49; col. 6, lines 66-67; col. 7, lines 1-18; col. 8, lines 28-34, -53-57; col. 11, lines 50-67; col. 13, lines 64-67; col. 14, lines 1-15; col. 16, lines 13-42; col. 17, lines 36-67; Figs. 9, 11, 13, 15, the system includes expiration times related to the system data), which system information has an associated expiration time limit, reading broadcast system information before the end of the expiration time limit and storing updated system information in the user equipment device (col. 3, lines 35-49; col. 6, lines 66-67; col. 7, lines 1-18; col. 8, lines 28-34, -53-57; col. 11, lines 50-67; col. 13, lines 64-67; col. 14, lines 1-15; col. 16, lines 13-42; col. 17, lines 36-67; Figs. 9, 11, 13, 15, the system includes expiration times for the device to be able to load system information by receiving the broadcast sent by the radio base system, and which receives the information before the time is expired, and hence updating the system information within the device with new system information).

Regarding claim 2, Wilberg discloses a method further comprising using the updated system information on expiry of the expiration time limit (col. 11, lines 50-67; col. 13, lines 64-67; col. 14, lines 1-15; Figs. 9, 11).

Regarding claim 5, Wilberg discloses a method further comprising initiating the method only when the system information has an associated value tag (col. 3, lines 35-49, the mobile station reads system parameter information when it is determines that it dos not have system parameters related to applicable tag values).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilberg [6,628,946] in view of Wallentin et al. (hereinafter Wallentin) [6,594,238].

Regarding claims 3 and 4, Wilberg discloses the limitation in claim 1.

Wilberg, however, fails to specifically disclose wherein the threshold is greater or less than a repetition period for the system information.

Wallentin discloses a system providing packet data services and providing data connection establishment between a mobile station and base station in an access network system, wherein there exist data amount threshold, that are greater or less than a repetition time to indicate provision of data change to the selection of a common or shared channel (col. 6, lines 1-16, 33-67; col. 7, lines 1-22; Fig. 5).


Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Wilberg with the teachings of Wallentin for the purpose of dynamically selecting a connection state in the case that the traffic parameter value changes and a connection that is better suitable in agreement with the newly predicted parameters.

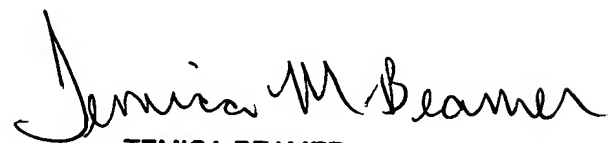
**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JP  
9/24/05

  
TEMICA BEAMER  
PRIMARY EXAMINER  
9/29/05